



By **December 28, 2021**, Defendants shall file a response to this letter, identifying any excerpts of deposition testimony that require confidential treatment.

SO ORDERED.

December 20, 2021

Dated: December 21, 2021
New York, New York

via ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

A handwritten signature in black ink, appearing to read "Lorna G. Schofield", is written over a horizontal line. Below the line, the name "LORNA G. SCHOFIELD" and the title "UNITED STATES DISTRICT JUDGE" are printed in a bold, black, sans-serif font.

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *In re Chicago Bridge & Iron Co. N.V. Sec. Litig.*, No. 1:17-cv-1580-LGS

Dear Judge Schofield:

Pursuant to Rule I.D. of Your Honor's Individual Rules and Procedures for Civil Cases, the Electronic Case Filing Rules & Instructions for the Southern District of New York, Section 6, and Standing Order 19-MC-00583, Plaintiffs respectfully seek leave to file their Memorandum in Opposition to Defendants' Motion in *Limine* Number 6 and Exhibit B to the Declaration in Support of their Opposition to Defendants' Motions in *Limine* Number 6 under seal or in redacted form. Plaintiffs' Memorandum quotes deposition testimony of Patrick K. Mullen and Exhibit B consists of the corresponding excerpts of Patrick K. Mullen's October 23, 2019 deposition transcript, which was designated as "Confidential" by Defendants. Plaintiffs, however, have no interest in the confidential treatment of any portion of the Mullen deposition, including any of those excerpted portions set forth in Exhibit B. Therefore, pursuant to Rule I.D., Defendants bear the burden of persuasion with respect to confidential treatment, and Plaintiffs stand ready to file full, unredacted copies of the Memorandum and Exhibit B via ECF if so ordered.¹

Respectfully submitted,

/s/ Kim E. Miller
Kim E. Miller

Cc: All Counsel of Record (*via ECF*)

¹ Plaintiffs also attach hereto an Appendix identifying all Parties and Counsel of Record who should have access to the sealed document.



Hon. Lorna G. Schofield

-2-

December 20, 2021

APPENDIX

Parties:

1. ALSAR Ltd. Partnership
2. Iron Workers Local 40, 361, & 417 – Union Security Funds
3. Iron Workers Local 580 – Joint Funds
4. Chicago Bridge & Iron Company N.V.
5. Philip Asherman
6. Westley Stockton
7. Ronald Ballschmiede

Attorneys:

1. Kim E. Miller
2. Craig J. Geraci, Jr.
3. J. Ryan Lopatka
4. Matthew Woodard
5. Melissa Harris
6. Morgan Embleton
7. Jeremy Lieberman
8. Joshua B. Silverman
9. Patrick Dahlstrom
10. Louis Ludwig
11. Omar Jafri
12. Brian C. Kerr
13. David Sterling
14. Amy Pharr Hefley
15. Sarah Coble